Professor Rither

Final Exam/Criminal Law/Spring 2007

## I. Multiple Choice

1. A 2. C

3. B

4. B

5. C

6. C

7. A

8. B

9. C

10. D

11. A

12. D

## II. 6 points each

Part A. Mistake of non-governing law; valid defense if negates mens rea for relevant element; determination of mens rea; consideration of strict liability; legal relevance of mistake

Part B. Actus Reus through omission. Need legal duty that is not fulfilled. Origin of legal duty.

Part C. Mistake of Governing Law; common law: ignorance of law no excuse; Model Penal Code: knowledge of legality not a material element

III.

Part A. Homicide (4 points each)

Murder: Discussion of whether and what type of murder is suggested by facts.

Premeditation: Whether facts suggests possibility of aggravated murder due to premeditation; include discussion of two theories of premeditation: pre date of occurrence and minutes before killing.

Voluntary Manslaughter: Discussion of whether heat of passion killing fits facts, include discussion of common law and modern code version (extreme emotional disturbance).

Involuntary Manslaughter: Whether defendant's version of facts suggest either a reckless or negligent killing.

Part B. Self Defense: Obstacles to Success

Defendant denies recalling shooting - 1 point

Reasonableness - analysis of facts for reasonableness and legal consequences if defendant's belief in need for self-defense is reasonable. Compare differing views. - 6 points

Duty to Retreat - 1 point

Part A. Paula

Conspiracy: Elements and application to facts - 2 points

Robbery: Elements and application to facts - 2 points

Felony Murder: Elements and application to facts (enumerated felony)- 3 points

Involuntary Manslaughter: Reckless or negligent killing by throwing hot coffee to obtain property - 2 points

Duress Defense: Elements and application to facts - 2 points

Causation: Robbery proximate cause of death?; Coffee thrown legally adequate cause of death? - 3 points

Part B. Simon

Conspiracy: Elements and application to facts - 2 points

Robbery: Based upon complicity theory (elements); Based upon Pinkerton Rule (elements) - 3 points

Felony Murder: 1 point

Involuntary Manslaughter: Based upon complicity theory and special "result element" mens rea rule- 3 points

Extortion: Elements and application to facts - 1 point